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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,855	04/16/2001	Eric Rose	TACOBEL.022A	5107
20995 7590 01/14/2008 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER KHATTAR, RAJESH	
			ART UNIT 3693	PAPER NUMBER
			NOTIFICATION DATE 01/14/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

## Office Action Summary

Application No.

09/836,855

Applicant(s)

ROSE, ERIC

Examiner

Rajesh Khattar

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Acknowledgements***

This Office Action is in response to Applicant's communication filed on Nov. 30, 2007. Claims 1-14 are pending in the application.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/21/2007 has been entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 recites the limitation "the drink" in line 1. There is insufficient antecedent basis for this limitation in the claim. Examiner is interpreting the term "the drink" to be the second portion of the food order.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayman, US Patent No. 4,388,689 in view of Hadar, WIPO WO 99/46762 and Mueller, US Patent No. 5,235,509.

Hayman teaches a point-of-sale (POS) register in which food orders are entered (see for example the paragraph bridging columns 1 and 2). Examiner notes that a cash register is a point-of-sale.

Hayman further teaches a plurality of order modules (see for example the paragraph bridging columns 1 and 2).

Hayman further teaches a router connected between said POS register and order modules for selectively routing said POS register to a particular one of said modules (see for example the paragraph bridging columns 1 and 2).

Examiner notes that Hayman's "work stations where such food item is to be prepared" represents Applicant order module. Examiner further notes that as food is ordered in Hayman and food prepare uses the module to receive this order (via CRT) and then use CRT to indicate completion of the order (see column 1, line 68 – column 2, line 11).

Hayman does not teach a text-to-speech synthesizer for converting the POS entries into audible speech; a speech-to-text circuit for recognizing and converting voice commands into control signals and whereby a restaurant worker speaks an audible command into a microphone and receives on headphones audible synthesized voice reciting an order entered into said POS register without the worker having to view any visual display.

Hadar teaches a speech-to-text processor that is configured to receive speech signals and to convert the speech signals to a text file (speech-to-text conversion). Hadar also teaches a speech synthesizer which converts the text file to speech signals (text-to-speech conversion). An amplifier receives and amplifies the speech signals (Abstract; page 1, lines 25-page 2, lines 4; page 5, lines 1-page 6, lines 9).

Examiner notes that speech recognition is known to enable operators to request information and control systems when their hands and eyes are busy (such as in a restaurant environment). In addition, voice input requires much less user training than do systems relying on complex keyboards, switches, push buttons and other similar devices (see US Patent Number 4,624,008 to Vensko et al.; column 1, lines 10-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the interaction between the food preparers and the CRT order modules of Hayman (i.e. food prepare uses the module to receive orders (via CRT) and then use CRT to indicate completion of the order (see column 1, line 68 – column 2, line 11)) by incorporating a speech-to-text circuit and a text-to-speech synthesizer of Hadar. Such a modification would allow the food preparers to speak a command, the order

module would recognize the command and then present the preparer with the information requested, such as the next order they need to prepare.

One of ordinary skill in the art at the time of the invention would have been motivated to modify the references in order to enable operators to request information and control systems when their hands and eyes are busy as well as to provide a system that would require much less training.

However, neither Hayman nor Hadar specifically disclose selectively sending the order to different workstation. However, this limitation is disclosed by Mueller et al. US Patent No. 5,235,509 (col. 11, lines 3-20). Therefore, it would have been obvious for a person having ordinary skills in the art at the time the invention was made to modify the teachings of Hayman and Hadar to incorporate the disclosure of Mueller of selectively routing the order to different workstation. One would have been motivated to do so in order to prepare order in least amount of time by selectively sending a portion of the order to different workstation (in this case, preparation terminal) as taught by Mueller.

### ***Response to Arguments***

Applicant's arguments dated 9/21/2007 and 11/30/2007 with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rajesh Khattar whose telephone number is 571-272-7981. The examiner can normally be reached on Flex schedule.

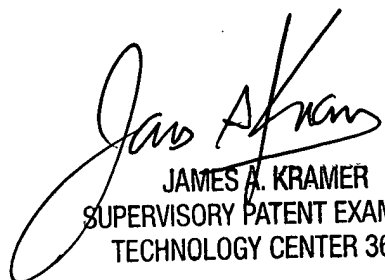
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RK  
Jan. 3, 2008

 12/3/08  
JAMES A. KRAMER  
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